

Original Article

Responding to intimate partner violence in the workplace

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Abstract Violence in the workplace has become an important issue for the modern-day security manager. The security manager continually faces a variety of threats that originate from within and beyond the confines of the workplace. As the workforce becomes more diverse, the security manager will face new issues. Increasingly, he or she is confronted with instances of intimate partner violence (IPV) at the workplace. The context of such threats creates unique circumstances in terms of how security personnel should respond. The security manager's responsibility is evolving into areas that were once thought to be beyond the purview of his or her duties. Having knowledge of law that addresses workplace restraining orders, understanding liability as it relates to negligent security, and recognizing the characteristics of the workplace stalker can well serve the security manager when responding to IPV at work.

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Introduction

During the past three decades, occurrences of violence in the workplace have colloquially become known as workplace violence (WPV). Over this same time period, acts of mass murder committed by angry coworkers against employers and fellow workers have garnered considerable media attention. As such, WPV has been associated with the recently fired employee storming his or her place of employment with the intent of killing those responsible for his or her termination, and the resulting headline-grabbing phrase 'going postal' became part of the vernacular after such tragic incidents as those associated with the US Postal Service. The problem of WPV, however, does not apply only to the United States. For example, The European Foundation for the Improvement of Living and Working Conditions and European Working Conditions Observatory (2004) conducted a survey in the year 2000 in

the then 15 European Union (EU) Member States and found that WPV was also an issue in Europe.

However, WPV is by no means the only type of violence occurring at the workplace. Increasingly, security personnel are called upon to deal with domestic violence issues spilling over into the workplace that were once thought to be confined to the home environment. Therefore, the modern-day security manager must recognize the threat that an intimate partner poses to his or her intimate partner at his or her place of employment. For example, recent research indicates that women who are murdered at work are about as likely to be killed by a former or current intimate partner as they are to be killed during a workplace robbery (Tiesman *et al*, 2012). With this recognition, the security manager may be expected to take proactive steps in developing policies and procedures, create and initiate training programs and become knowledgeable of laws that deal with stalking and restraining orders that can help ameliorate acts of intimate partner violence (IPV) at the workplace.

This article will primarily address four broad but related areas of concern that are vital to understanding how IPV can affect the workplace. After a brief definition of WPV and a summary of the four different types of WPV incidents, we will examine how IPV and stalking can have severe consequences for a woman's employment. As women are approximately five times more likely to experience IPV at the workplace and are disproportionately represented as stalking victims when compared with men, we pay particular attention to women in this regard (Bachman, 1994; National Center for Injury Prevention and Control, 2010).

This article has three main sections. In order to extend our analysis, we will first examine definitions of WPV and legislation that permits employers to obtain restraining orders on behalf of their employees. Where appropriate, the strengths and weaknesses of such legislation will be discussed. Next, we will assess how victims of IPV and stalking at the workplace can seek civil recourse and avoid the limitations of workers' compensation laws when employers' actions are grossly negligent. This type of civil remedy can serve as good public policy and also satisfy evolving employer legal obligations, which have developed in conjunction with general premises liability and, which have further evolved through case law. Finally, the article will conclude with a general discussion of Crime Prevention Through Environmental Design (CPTED) and various preventative measures a security manager can institute to alleviate instances of domestic violence and stalking at the workplace.

Defining Workplace Violence

There are many definitions available to describe WPV. Meadows (1998) defines WPV '... as any violence resulting in the death or physical injury of an employee or business invitee by another employee or business intruder' (p. 112). The Occupational Safety and Health Administration defines WPV as 'the commission of proscribed criminal acts of coercive behaviour which occurs in the work setting...[such as] homicides, forcible sex offences, kidnapping, assault, robbery, menacing, reckless endangerment, harassment, and disorderly conduct' (1996 cited in Hinduja, 2009, p. 271). Incidents of workplace violence can be assigned to four categories: Type I, criminal intent; Type II, customer/client; Type III, worker on worker; and Type IV, personal relationship.



Type I WPV incidents include a situation in which an individual enters a business establishment with the intent of committing a criminal act. In such incidents, there is no legitimate or obvious relationship between the perpetrator and the business. For example, Type I incidents often involve the robbery of a gas station or convenience store where exchanges of cash occur on a regular basis, accounting for about 70 per cent of all workplace homicides (Harrell, 2011). As convenience stores are open 24 hours a day, 7 days a week, they may be particularly susceptible to criminal victimization. As a larger percentage of robberies occur in retail type businesses (Duhart, 2001), a number of crime prevention techniques and designs have been established in response to the increased risk of robbery. For example, cash management, drop safes, signage, height markings, clear window policies, sufficient lighting and the elimination of easy escape routes have been adopted. Other prevention techniques such as bullet-resistant glass or cashier enclosures and Closed Circuit Television (CCTV) have also been implemented. However, the efficacy of bullet-resistant glass and CCTV are not without their limitations. The risk of spalling is present in bullet-resistant glass, wherein a fragment or shard of glass can injure or kill a worker who is standing opposite to where a bullet hits the glass (James, 1981). CCTV might only be useful insofar as it acts as an *ex post facto* criminal investigative tool rather than a crime deterrent (Gill, 2006). Furthermore, clandestine recordings of private citizens in the public sphere may raise issues of privacy rights (Hier and Walby, 2011).

Type II incidents are characterized by an individual attacking another person from whom he or she is receiving some type of service. Such incidents generally occur when a service transaction goes awry and an individual becomes violent. It has been suggested that Type II workplace homicides may account for approximately 10 per cent of workplace homicides, and the cause of the violence will vary depending on the nature of the relationship that exists between the person providing the service and the recipient of that service (Harrell, 2011). Examples of this type of workplace violence include a nurse who is assaulted by a patient in an emergency room (Catlette and Belzoni, 2005), a teacher who is attacked by a student (Leyden, 1999), a social worker who is victimized by a client in a community setting (Littlechild, 1995) and a police officer who is killed during a 'routine' traffic stop (Edwards, 1995).

Instances of Type III WPV are characterized by an employer–employee or employee–employee relationship. This type of WPV can occur in any number of contexts, but the most likely situation arises when an employee threatens coworkers or a supervisor. Specifically, this can involve a disgruntled employee who believes his or her place of employment has done him or her wrong because of some perceived injustice (Kennedy *et al.*, 2004). Consequently, a recently suspended employee may take revenge against a supervisor or employee because he or she views them as somehow responsible for his or her plight (Denenberg and Braverman, 1999). Type III incidents of WPV make up a relatively small percentage of workplace homicides at 11 per cent (Harrell, 2011). However, as was mentioned above, these acts of violence are heavily scrutinized in the popular media, which creates a false image of the rate at which worker-on-worker homicidal violence occurs (Meadows, 1998).

Type IV incidents often involve women who have suffered tumultuous relationships with their husbands or boyfriends. Such relationships are full of acrimonious exchanges that can escalate into physical violence. Approximately 5 per cent of all workplace homicides are attributable to Type IV WPV (Harrell, 2011). Even where no homicide occurs, the

consequences of such violence can be quite severe for women. Women are sometimes subjected to stalking behaviors by their intimate partner as well. The workplace often serves as an access point for the husband or boyfriend. In other words, a husband or boyfriend will use the woman's workplace to confront her because he knows this is a place where he can expect to encounter her on a regular basis. Although Type IV WPV can be directed toward males, and can occur between gay and lesbian intimate partners, a majority of Type IV cases known to the authorities and employers tend to involve males stalking females (National Center for Injury Prevention and Control, 2010). This form of WPV is essentially IPV at the workplace.

It must be borne in mind that these types of WPV are by no means mutually exclusive (Meadows, 1998). For example, a taxi driver might be robbed by a passenger following a dispute involving cab fare, and an employee might be victimized by a coworker with whom he or she also had an intimate relationship. There may be no clear line that differentiates a Type I incident from a Type II incident and a Type III incident from a Type IV incident. We also acknowledge that the definition of Type IV incidents should include different gender combinations and in future research should not only be limited to violence against women instigated by men.

Consequences of IPV and Stalking: Women and their Employment

Instances of IPV span the realm of intimate relationships and can occur in heterosexual, gay and lesbian relationships (Tjaden *et al*, 1999). In traditional forms of marriage, research has found that the rate at which a female and male commit acts of violence toward their spouse is about equal when violence is perpetrated by only one partner (Straus *et al*, 2006). However, one revealing difference between the sexes is that males tend to inflict much more devastating damage upon their female counterparts (Straus, 2009). When it comes to the workplace, however, a majority of the research examines the consequences women face from suffering violence by men relative to their employment. A discussion of this research is presented below.

An abusive man will use a variety of techniques to disrupt a woman's ability to attend work and stay at work. Swanberg and Logan (2005) categorized these techniques as actions taken before work and actions taken during work. The authors also included a third category, actions taken after work, but found that men mostly disrupt women by using the first two categories. Before a woman leaves for work, a man may resort to assaultive behavior by physically restraining or beating her. This physical abuse can have damaging effects on a woman's physical and psychological well-being. For example, women can suffer broken and fractured bones, back and neck pain, headaches and migraines, bladder and kidney infections and digestive problems. Women can even suffer a variety of sexually related problems. Because of forced sex, women can contract sexually transmitted diseases, AIDS or HIV and experience gynecological problems. The psychological effects include anxiety, depression, post-traumatic stress disorder, drug and alcohol abuse, and suicidal ideations (Wisner *et al*, 1999; Plichta and Falik, 2001; Campbell, 2002; Swanberg *et al*, 2006). In addition to these physical and psychological consequences, a man may sabotage a woman so that she is unable to go to work. For example, a man might purposely not provide child care, manipulate a woman's physical appearance by cutting off her hair, alter modes of



transportation so they are inoperable, purposely conceal or ruin a woman's clothing, prevent a woman from getting enough rest and alter or turn off alarm clocks (Swanberg and Macke, 2006). Women may also have to leave work early because of physical and psychological abuse (Shepard and Pence, 1988). Injuries sustained in an assault may physically keep a woman from performing her job, and psychological consequences may make it cognitively difficult for her to concentrate.

With respect to actions taken during work, women who suffer abusive relationships will experience a variety of problems that negatively affect their employment. Abusers will engage in controlling behaviors that are designed to subjugate women while at work. For example, a man will disrupt a woman's workday by causing her to be late for work and pressuring her to immediately leave work when her workday has ended (Friedman and Couper, 1987; Raphael, 2001; Moe and Bell, 2004; Taylor and Smith-Barusch, 2004; Swanberg and Logan, 2005). Lloyd and Taluc (1999) found that a man would interrupt a woman at her place of employment by directly calling her on the telephone and traveling to her work to harass her. This latter behavior not only causes disruptions for the woman, but it also affects coworkers. In fact, not only will a man pose a risk to his intimate partner, but he may also threaten her fellow coworkers (Swanberg *et al.*, 2007). Because of this potential risk posed to fellow coworkers, a woman might have difficulty maintaining employment (Browne *et al.*, 1999; Moe and Bell, 2004). This could also be a consequence of not maintaining adequate productivity levels. In other words, the ability to sustain her employment by properly completing her work functions will be hindered (Brush, 2000). Friedman and Couper (1987) surveyed a group of women who were victims of domestic abuse and found that 56 per cent of the respondents were forced to be late at least 5 days in 1 month because of domestic violence. An additional 28 per cent were forced to leave work early and on average 54 per cent missed 3 days of work per month. This can also have negative consequences for the employer.

The Family Violence Prevention Fund reported that 7.9 million days of lost work each year can be attributed to issues related to domestic violence. Consequently, there is an approximate annual loss of US\$700 million in productivity (cited in Karamally, 2004). These staggering numbers might make one think that the majority of CEOs would believe their companies should directly address domestic violence. Although most CEOs generally believe that domestic violence is a 'social issue' and a 'labour problem', they do not necessarily believe that companies should have a major role in addressing domestic violence (Randel and Wells, 2003). A 2002 survey conducted by the company Liz Claiborne found that 66 per cent of corporate leaders believed that domestic violence was a social problem and 68 per cent believed that domestic violence adversely affected their financial performance, yet only 12 per cent believed that companies should have a major role in addressing domestic violence in the workplace. The National Safe Workplace Institute conducted a survey of corporate security directors and found that 94 per cent of security directors reported domestic violence as being a serious security problem. Furthermore, 90 per cent of these corporate security directors reported that their departments had experienced approximately three cases of men stalking women at the workplace, and 29 per cent had experienced women stalking men. Interestingly, 78 per cent of the security directors reported that restraining orders were not effective in preventing stalking (cited in Smith, 1997). Certainly, the different etiological factors and motivations driving stalking behaviors are harder to deter than others, but this does not mean that a restraining order should not be

sought out. Whatever efficacy a restraining order has in deterring one stalker *vis-à-vis* another, the employer who proactively obtains a restraining order for his or her employee is not only adding another layer of possible security, but is also building a defense in the event of future civil litigation.

Stalking at the workplace can also prove to be consequential for women who are suffering violence at the hands of their current or former intimate partner. The National Center for Injury Prevention and Control (2010) conducted The National Intimate Partner and Sexual Violence Survey and found that an estimated 12.7 million women had been stalked by an intimate partner in their lifetime. Of this number, approximately 3.3 million women reported that they were stalked by an intimate partner in the 12 months before participating in the survey. In addition to this, it was found that 64.8 per cent of women experienced a current or former intimate partner showing up at their place of employment, home or school. Furthermore, three-quarters of the women who reported stalking behaviors by an intimate partner received unsolicited or unwanted telephone calls or text messages. Baum *et al* (2009) also found in their study that 66.2 per cent of stalking victims received some type of unwanted electronic communication, such as phone calls and e-mails. In this same study, 21.5 per cent of stalking victims were stalked by a former intimate partner, and 8.8 per cent were stalked by a current intimate partner.

Societal Responses through Legislation and Protective Orders

Many women who suffer acts of violence at the hands of their partner will boldly use agency and leave the relationship on their own volition, seeking out help from family and friends, law enforcement, social agencies and women's shelters (Gondolf, 1998; Goodman *et al*, 1999; Nabi and Horner, 2001). However, there are some women who out of fear or 'learned helplessness' may not be able to take steps to remove themselves from a violent situation (Walker, 1977). As a response, several states have enacted laws that permit employers to obtain restraining orders on behalf of their employees. As of August 2010, 10 states have enacted such laws. These 10 states are: (i) Arizona; (ii) Arkansas; (iii) California; (iv) Colorado; (v) Georgia; (vi) Indiana; (vii) Nevada; (viii) North Carolina; (ix) Rhode Island; and (x) Tennessee.¹ Arizona's law allows employers to petition for an injunction against workplace harassment. An approved injunction by a court will prevent an individual from coming to an area that is near or adjacent to the employer's property. The approved injunction also precludes an individual from trying to contact the employer or 'other person' who is present at the employer's property or engaging in 'official work duties'. The employer must provide a detailed statement of incidents involving harassment. Furthermore, the statute does not allow for courts to grant an injunction against more than one defendant.

As stalkers possess unique personality characteristics that drive their stalking behaviors and motivations², this limitation has important implications if the victim is being harassed and stalked by more than one individual. This type of situation has been aptly termed 'stalking by proxy' (Mullen *et al*, 2009). This type of stalking occurs when a stalker recruits an individual to locate and track his or her victim. However, stalking by proxy usually involves individuals who are unaware of the stalker's ulterior motives. A stalker may order services for the victim and have them delivered to the victim (for example, pizza deliveries). This type of action is meant to harass and cause distress for the victim. In other cases, stalkers



may hire unscrupulous private detectives who are financially motivated to track down and locate a victim's whereabouts. Stalkers may also recruit family and friends, which adds another layer of harassment. Consequently, the stalker can vicariously stalk his victim while still meeting the legal demands of a court-appointed legal injunction (Mullen *et al*, 2009).

Arkansas law allows employers to obtain a restraining order if an employee has suffered a violent victimization, received threats of violence, which can reasonably be construed as being carried out at the workplace, or has been stalked and harassed at the workplace. The employer also has the option to file criminal charges against the individual. If a restraining order is granted, the court can order an individual not to visit the employee's worksite and order him or her to refrain from stalking the employee at the workplace. The law also states that the defendant cannot call the employee on the telephone at his or her place of employment.

California law states that if an employee has been violently victimized or received a 'credible threat of violence', which can be assumed to take place at the workplace, the employer can seek a restraining order on behalf of an employee. Moreover, an employer can obtain a restraining order if a defendant engages in a patterned 'course of conduct' that includes stalking, entering the worksite and making telephone calls. The statute explicitly states that means of communication are not limited to telephone calls, mail correspondence, faxes and e-mail. This part of the statute suggests that if a stalker resorts to stalking by proxy, such as ordering goods and services as a means of harassment to be delivered to the victim while at work, the stalker could very well be in violation of the legal terms contained in the restraining order. In addition to this, California also gives authority to post-secondary educational institutions to obtain restraining orders for students.

Colorado legislation succinctly states that if an employer discovers that an 'imminent danger' exists for his or her employees, the employer can obtain a restraining order in the name of the business for the protection of the employees. The legislation is quite clear in stating that an employer cannot be held civilly liable for failing to obtain a restraining order for the protection of employees and patrons. Colorado legislation differs markedly from Arkansas and California legislation in that nowhere in Colorado's law does it indicate that an individual cannot contact his or her victim through electronic means.

In the state of Georgia, if an employee has been the victim of 'unlawful violence' or a 'credible threat of violence' has been made against him or her, and it is probable that violence will occur at the workplace, the employer can apply for a restraining order on behalf of the employee. Indiana law is very similar to Georgia law in that if a credible threat of violence has been made against an individual or he or she has been violently victimized and it can reasonably be expected that it will occur at the worksite, an employer can apply for a restraining order.

Nevada legislation is slightly different from the other laws because the employer must make a 'good faith effort' to notify employees that a restraining order is being sought on their behalf. However, Nevada's legislation is similar to Arizona's as employers are required to be very specific and provide detailed information when applying for a restraining order. For example, if it is known, the name of the person who committed the harassment must be provided; in addition to this, a detailed description of each incident must be supplied, including the date and time of the incident. Nevada's legislation is also similar to the Arizona statute because a court is not permitted to issue a restraining order against more than one person. As was discussed above, this may cause an accused stalker to vicariously stalk his or

her victim through other means. Theoretically speaking, an employer could apply for separate restraining orders, but this might only work in cases where it is explicitly clear that an additional person is harassing the victim at his or her place of employment. Notwithstanding the time and resources that would be required, there are limits to separating the 'wheat from the chaff' in terms of what constitutes an unwitting proxy stalker and a proxy stalker who has clear intentions of causing the victim fear and distress.

The states of North Carolina, Rhode Island and Tennessee are very similar in that if an employee has been subjected to violence or threats of violence at the workplace, the employer is permitted to apply for a restraining order. As similar as the legislation is in this respect, North Carolina legislation differs in two major ways. First, North Carolina legislation states that an employee cannot be punished by his or her employer for participating or not participating in the process of obtaining a restraining order. This part of the legislation seems to suggest that a man or woman cannot be disciplined or fired from his or her employment if work is missed because of the time and resources it takes when seeking a restraining order. Anti-discrimination laws and union contracts may preclude an employer from firing a man or woman from his or her job based upon their status as a domestic violence victim. In other words, an employer cannot remedy problems of domestic violence situations brought into the workplace by just dismissing an employee from their employment (Halpern, 2001). In addition, second, North Carolina legislation states that the employer must first consult with the employee to determine if the employee would be placed in any type of danger during the process of seeking a restraining order. This section of the law is important when considering the fact that women may be victimized as a result of seeking a protective order. Logan *et al* (2006) reported that a protection order was more likely to be violated for women who experienced prior stalking and violence compared with women who had only experienced violence, but without stalking. In a study that looked at women who obtained protection orders against intimate partners, McFarlane *et al* (2004) found that 44 per cent of women reported that the protection order was violated. Most violations were the result of defendants coming too close to the woman's workplace or residence. Carlson *et al* (1999) reported that of the 68 per cent of women who experienced violence before obtaining a protective order, 23 per cent were subsequently abused again.

In addition to US legislation, British Columbia (Canada) has enacted legislation that requires employers to take a variety of steps in order to meet their legal obligations regarding the health and safety of employees who find themselves involved in domestic violence situations.³ For example, if employers have knowledge that their employee is at risk of violence from an individual other than a coworker, they are required to perform a risk assessment. If it is discovered that there is an imminent threat of violence against an employee, employers are also required to contact a law enforcement agency. However, if a non-imminent threat exists, employers are required to establish policies and procedures that can best address the risk. In addition to this, employers are required to take steps that provide protection for coworkers who are not targets of the threat.

Employers must also instruct a victim's coworkers on how to best handle and identify a domestic violence situation. If a coworker is likely to encounter a perpetrator of domestic violent threats, employers are required to provide him or her with identifying information or a profile. However, there is no duty attached to employers that requires them to inform all coworkers. Furthermore, if an act of violence against an employee



occurs at the workplace, employers must review their obligations in applicable workers' compensation laws on how to report and investigate the incident. Employers must also advise an employee to consult a physician if he or she is injured during a workplace violence incident.

Workers' Compensation as Exclusive Remedy

Generally speaking, state workers' compensation laws serve as the exclusive remedy for the compensation of workers who are injured or killed on the job. Even though employers are not expected to be lawyers, they should be ready to ask a variety of legally based questions when violence strikes their premises. As a starting point, the employer should take into consideration whether or not the cause of an employee's injuries would preclude that employee from seeking damages under state workers' compensation laws. However, because there are exceptions to compensation laws, which may permit employees to seek damages if an employer's actions were grossly negligent, employers should not automatically assume that workers' compensation insurance will act as immunity from claims of an injured employee (Perline and Goldschmidt, 2004). In *Sommuang Panpat vs. Owens-Brockway Glass Container, Inc.* a \$1.85 million suit was filed by the estate of a deceased employee because the employer and security guards were aware of prior threats made against the deceased employee.⁴ After her boyfriend placed a gun against her head and threatened to kill her, Achara Tanatchangsang left her boyfriend and took her children with her. Subsequently, Achara informed her employer of the threats and the boyfriend was put on leave because he also worked at the same recycling plant. Although the boyfriend was no longer actively employed at the recycling plant, he was able to enter the premises and fatally shoot Achara three times after dragging her into a bathroom. The fact that the employer was made aware of the threats before the fatal shooting occurred demonstrates how gross negligence may lead to liability (Perin, 1999).

As the reasons surrounding a worker's criminal victimization at the workplace are sometimes unrelated to his or her employment, the ability to recover benefits from workers' compensation may be stalled. This is particularly true in cases of Type IV WPV or IPV at work where a woman is assaulted or killed by an intimate partner. As most cases of Type IV WPV have their roots in personal animosity, a man or woman may be precluded from receiving workers' compensation benefits if the incident did not arise out of and in the course of his or her employment. However, when personal reasons are associated with an incident, an employee can bring a traditional civil action and invoke the 'personal-animosity doctrine'. Courts will allow employees to use this doctrine when assaults are rooted in their personal lives and spill over into the workplace (Sakis and Kennedy, 2002).

Employees who have suffered criminal victimization in the workplace based upon their race, sex, religion or national origin are not limited to the remedy of workers' compensation. There are two types of harassment that men or women can endure in the workplace: (i) *quid pro quo* harassment and (ii) hostile work environment harassment. *Quid pro quo* harassment in the workplace usually involves a male supervisor offering a woman some type of employee benefit with the expectation that she will provide him with sexual favors. Hostile work environment harassment entails a work environment that becomes so hostile to a man

or woman that it will become very difficult for him or her to perform his or her job adequately. For example, a work environment that is replete with pornographic images hung on walls could very well create a milieu that is hostile to an employee and consequently negatively affect the employee's well-being. In cases of such harassment, jurisdictions may adopt exceptions to the exclusive remedy doctrine based upon a woman being harassed because of her sex (Sakis and Kennedy, 2002).

Preventing the Occurrence of Domestic Violence at the Workplace

As Type IV workplace violence usually involves individuals coming onto an employer's property to carry out acts of violence, an important part of prevention is 'target hardening' a facility. By target hardening a property, the security manager can adapt various types of physical security that will make it harder for a perpetrator to gain access to the property (Lee, 2005). To accomplish this, the security manager can utilize CPTED. CPTED was influenced by the seminal works of Jeffery (1971) and Newman (1973). Newman's work on 'defensible space' served as a catalyst for future developments in CPTED. By way of its design, Newman explained that some environments are intrinsically criminogenic and can be controlled by restructuring the symbiotic relationship between the built environment and human behavior (Kennedy, 1992; Muncie, 2006). In a similar vein, the security manager can attempt to use CPTED to deter criminal behavior from occurring on his or her property.

There are three basic concepts that a security manager can use to defend his or her space from threats: (i) territoriality; (ii) natural surveillance; and (iii) image/milieu (Kennedy, 1992). When people feel as if they have a psychological 'ownership' in their property, the concept of territoriality tells us that they are more likely to be vigilant in defending their space from being encroached upon. A major idea behind this concept is access control. For example, if a group of condos on a property are defined by clear boundary lines, such as shrubbery and privacy fences, the owners of these properties will be more likely to defend their spaces.

With respect to access control at the worksite, the security manager can install fences along the property line, reinforce doors and strengthen locks, implement door controls, improve lighting in parking lots, establish restricted areas, restrict access to the reception area when the receptionist is off duty, install parking gates for the parking garage and/or lot, strategically place blue lights on the property, install electronic access control systems and close certain areas of the property after hours so security patrols can be more focused (Seivold, 2005). If this real or perceived access control can create a sense of territorial responsibility for the employees, the property will be defended. Likewise, if a potential perpetrator can sense that this property is well defended, he or she will likely reconsider intruding upon the property.

A particular goal of access control is to increase the efforts required to successfully commit a crime. As was mentioned above, various types of target hardening can be implemented. However, people can also have an important role in making it harder to commit a crime. Marcus Felson refers to these people as 'crime discouragers'. These crime discouragers can be placed into one of three categories: (i) guardians; (ii) handlers; and (iii) managers. At the worksite, security guards would operate as guardians because they are



responsible for monitoring targets on the property. Handlers would also include security guards because they are responsible for monitoring potential offenders. However, employees would easily fit into this category as well. Finally, because of their responsibility to monitor the activities of security guards and the property as a whole, an executive could be considered a place manager (Felson, 1995).

The ability of an employee to overlook the property with relative ease, free from physical obstruction, is called natural surveillance. Having clear and direct sightlines to a parking lot from an office window could very well act as a crime deterrent. This is particularly important because often times an estranged husband or boyfriend will confront his wife or girlfriend in the parking lot. Fayard (2008) conducted a study that looked at the number of fatalities that occurred in parking lots from 1993–2002. Of the 742 parking lot fatalities that were attributed to homicide, 166 of them involved perpetrators who were known to the victim. Of this number, 61 or 8 per cent involved an intimate partner. This can create a legal dilemma because of the potential grey area that may surround this situation. For example, if an employee is injured or killed in a parking lot right before he or she begins work or right after work has ended, the question may arise as to whether the employee was acting within the scope of his or her employment at the time of the criminal incident. Moreover, if the perpetrator is circling the parking lot before his or her target arrives, a clear sightline would allow a worker to see him or her, thus possibly preventing any potential act of violence (Kennedy, 1992).

Managing the Stalker at Work

By providing the necessary means to address the issue of stalking at the workplace, employers can curtail the stalker's targeted harassment against his or her victim and the business establishment as a whole. There are a number of ways in which an employer can directly assist the victim. As was discussed at length above, employers can assist employees with various legal remedies, such as filing charges with the police or obtaining a restraining order. Employers might also want to designate a 'safe place' for an employee in the event an abuser shows up at the workplace. 'Panic buttons' can also be supplied as a means of calling for help. Giving an updated photograph to security guards and receptionists can be instrumental in identifying the abuser if he or she tries to gain access to the property. In addition to the photograph, having a copy of the restraining order and knowing the abuser's date of birth and social security number can prove to be crucial if contact needs to be made with law enforcement.

Giving an employee a cellular phone to make emergency calls can also help alert authorities to potential danger. It must be borne in mind that even if a cellular phone does not have regular service with a cellular provider, it can still make emergency calls. As long as any cellular phone is operational, with or without a service plan, calls to 911 can be made. In the event that an abuser has become familiar with an employee's schedule, it might be wise to vary his or her work hours. Moreover, if an abuser is harassing an employee via telephone or e-mail, changes to his or her phone number, extension and e-mail address could be made in an attempt to disrupt this form of harassment. Acting proactively by contacting law enforcement for help constitutes another approach. Particularly, asking for law enforcement's help in enforcing a restraining order could make a restraining order more

effective. If anything, just making contact with law enforcement could make them familiar with the situation and any future communication with them could be made easier. However, security managers and guards cannot and should not take on the role of a law enforcement entity. A man who is stalking a woman at the workplace is in violation of state stalking statutes and it is the responsibility of the police department to enforce these laws (Moskey, 1996).

A policy statement addressing domestic violence issues can help guide employees' actions when confronted with this problem at the workplace. This type of policy should inform employees that behavior, which causes them fear, such as intimidation, harassment and stalking, is covered. In other words, the policy should not only address violent behavior that involves physical contact, it should also address harassing behaviors that can be frightening to them. Moreover, policies that are clearly spelled out will encourage employees to report incidents. Further encouragement will come with policies that are succinct and to the point. More in-depth details can always be provided in supplemental training and meetings. Finally, the policy ought to be explicit in showing that all reported incidents will be responded to in a prompt and appropriate manner, all reasonable attempts will be made to stop the threats, and those reporting the incidents will have the full support of supervisors and upper-level management (Seivold, 2005).

Conclusion

Acts of mass casualty in the workplace have evoked strong visceral reactions from society and in some respects drove both government and academic entities to examine and study the nature and causes of workplace violence. As a result, considerable knowledge and understanding has been accumulated on WPV. Many studies have focused on the number of criminal victimizations that were suffered by women at the hands of current or former intimate partners. In addition, studies have shown that IPV does not occur in a vacuum, but instead spills over into the workplace.

The consequences of Type IV WPV or IPV at work can be quite severe for women on a variety of levels. On one hand, a woman's victimization at the workplace by an intimate partner can result in serious physical and/or psychological damage. On the other hand, the woman's ability to perform her job duties can be diminished, which can translate into economic losses and the possibility of losing her job. As a response, states have implemented legislation that permits employers to obtain restraining orders on behalf of their employees. The implementation of such laws allows employers to act proactively in helping protect employees and fellow coworkers from potential acts of violence.

The modern-day security manager must understand the threat that domestic violence poses to the workplace. In addition to understanding this threat, the security manager should become familiar with the intricacies that surround premises liability for negligent security. Sound practice and policy should be implemented that help guard against Type IV WPV. Target hardening one's property through the use of CPTED can help stop a perpetrator from entering onto the property. By understanding the nuances of Type IV WPV, security professionals can potentially thwart acts of IPV from occurring at the workplace and possibly save lives along the way.



Notes

- 1 Ariz. Rev. Stat. § 12-1810; Ark. Code § 11-5-115; Cal. Civ. Proc. Code § 527.8 & 527.85; Colo. Rev. Stat. 13-14-102(4)(B); Ga. Code Ann. § 34-1-7; Ind. Code § 34-26-6; Nev. Rev. Stat. § 33.200-0.360; N.C. Gen. § Stat. 95-261; R.I. Gen Laws § 28-52-2; Tenn. Code §§ 20-14-101 to 109.
- 2 According to Mullen *et al* (1999; 2001; 2009) there are five types of stalkers: (i) intimacy seekers; (ii) incompetent suitors; (iii) the resentful; (iv) the predatory; and (v) the rejected. The rejected stalker is the most likely to be encountered at the workplace. This type of stalking begins when intimate partners start to experience problems in their relationship. The rejected partner will then try to reconcile the relationship by following his former intimate partner. The stalker may follow his victim for purposes of revenge as well. The stalking behavior can be reinforced if the stalker experiences some type of pleasure by instilling fear or causing stress to the victim. A lot of these stalkers are dependent angry males who are dumbfounded and flabbergasted at the prospect of being rejected by women. These males may also have a grandiose and narcissistic view of themselves and their self-importance and feel as if they are entitled to whatever it is they desire (Hare, 1993; Lykken, 1995).
- 3 For a complete listing of all requirements please see the following: Addressing Domestic Violence in the Workplace: A Handbook for Employers. The handbook is available at www.worksafebc.com/domesticviolence.
- 4 334 Ore. 342 49P.3d 773 (Ore. 2002).

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